

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEVEN E. THORN,)	CASE NO. 1:05CR579
)	1:08CV827
Petitioner,)	
)	JUDGE JOHN R. ADAMS
v.)	
)	<u>ORDER</u>
UNITED STATES OF AMERICA,)	[RESOLVING DOC. 173]
)	
Respondent.)	

This matter comes before the Court upon Petitioner Steven E. Thorn's Motion to Reconsider the judgment denying Thorn's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. Case No. 1:05CR579, Doc. 171. The Court has been advised, having reviewed the motion. For the reasons set forth below, Petitioner's motion is DENIED.

In his motion, Petitioner asserts that this Court erred when it stated in its order that Petitioner had not filed a memorandum in support of his § 2255 petition. Petitioner is correct that this Court misstated that procedural fact. Petitioner's memorandum was received and filed by the Clerk of Courts prior to this Court's ruling on the petition. This minor factual error, however, does not justify granting the motion for reconsideration.

Generally, there are three major situations which justify a district court altering or amending its judgment: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or to prevent a manifest injustice.

Holcomb v. Wilson, Case No. 5:05CV803, 2008 WL 2796584 (N.D. Ohio July 18, 2008) (quotations omitted).

In his memorandum in support of his petition, Petitioner raises two arguments. First, he asserts that the civil statute of limitations should have applied to his prosecution. This Court

expressly rejected that argument in ruling on the petition. Doc. 171 at 4. In addition, Petitioner argued in that memorandum that his counsel had erred by not requesting a hearing on the loss amount. This Court also rejected that argument when ruling on the petition. *Id.* at 5-6. Nothing in Petitioner's memorandum in opposition alters the legal analysis performed by the Court. Accordingly, reconsideration of that judgment is not warranted.

The Court certifies, pursuant to 28 U.S.C. § 1915(A)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability.

This Order is entered pursuant to Federal Rule of Civil Procedure 58.

IT IS SO ORDERED.

August 19, 2008

Date

/s/ John R. Adams

John R. Adams

U.S. District Judge